IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

WEDNESDAY, THE 24TH OCTOBER 2007 / 2ND KARTHIKA 1929

LA.App.No. 48 of 2004

LAR.25/1999 of SUB COURT, KOZHIKODE
.....

APPELLANTS/ CLAIMANTS BEFORE THE REFERENCE COURT:
----

1. **K.V.BALAN, KATTIL VEETTIL HOUSE, P.O.MALAPARAMBA, CALICUT-9 (DIED LR IMPLEADED)**
2. **K.V.DEVAYANI, KATTIL VEETTIL HOUSE, P.O.MALAPARAMBA, CALICUT-9**
3. **BHAVANI, KATTIL VEETTIL HOUSE, P.O.MALAPARAMBA, CALICUT-9**
4. **GOURI, KATTIL VEETTIL HOUSE, P.O.MALAPARAMBA, CALICUT-9**
5. **DEVADASAN, KATTIL VEETTIL HOUSE, P.O.MALAPARAMBA, CALICUT-9**
6. **GIRIJA, KATTIL VEETTIL HOUSE, P.O.MALAPARAMBA, CALICUT-9**
7. **M.T.KUMARAN S/O. PACHUKUTTY, NISHAD NIVAS, KOVOOR VILLAGE, KOZHIKODE.**
8. **NISHITHA D/O. KUMARAN, NISHAD NIVAS, KOVOOR VILLAGE, KOZHIKODE.**
9. **NISHAD KUMAR, S/O. KUMARAN, NISHAD NIVAS, KOVOOR VILLAGE, KOZHIKODE.**
10. **NISHINDINI, D/O. KUMARAN, NISHAD NIVAS, KOVOOR VILLAGWE, KOZHIKODE.**

**11. M. SAROJINI, W/O. LATE K. V. BALAN,
RESIDING AT APPU, NEDUNGOTTUR AMSOM DESOM,
KOZHIKODE TALUK.**

(SUPPLEMENTAL 11TH APPELLANT IMPLEADED AS THE LEGAL HEIR OF THE DECEASED 1ST APPELLANT AS PER ORDER DATED 31.01.2007 IN I.A. 85/2007).

**BY ADV. SRI.V.V.SURENDRAN
SRI.P.A.HARISH**

RESPONDENT/ APPELLANT IN APPEAL:

**THE SPECIAL TAHSILDAR (LA) N.H.NO.II,
KOZHIKODE.**

BY GOVERNMENT PLEADER SRI. K.V. MANOJ.

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 24/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A. NO. 48 OF 2004

Dated this the 24th day of October, 2007.

J U D G M E N T

Kurian Joseph, J.

This is an appeal filed against the judgment and decree in L.A.R. No. 25/1999 on the file of the Sub Court, Kozhikode. Acquisition is for the purpose of National Highway.

2. The only grievance is regarding interest on solatium. Being a settled position [See the decision reported in ***Sunder vs. Union of India*** **(2001(3) KLT 489)**], we hold that the claimants are entitled to interest on solatium. Therefore, this appeal is allowed.

KURIAN JOSEPH
JUDGE

HARUN-UL-RASHID
JUDGE

smp